

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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MAR 03 2005

SCANSOFT, INC.,)
)
)
Plaintiff,)
)
)
v.) C.A. No. 04-10353-PBS
)
)
VOICE SIGNAL)
TECHNOLOGIES, INC.,)
LAURENCE S. GILLICK,)
ROBERT S. ROTH,)
JONATHAN P. YAMRON,)
and MANFRED G. GRABHERR,)
)
)
Defendants.)
)

DEPOSITION OF JORDAN R. COHEN, a witness called by and on behalf of the Plaintiffs, taken pursuant to the applicable provisions of the Federal Rules of Civil Procedure, before Dana Welch, CSR, Registered Professional Reporter, and Notary Public, in and for the Commonwealth of Massachusetts, at the offices of Bromberg & Sunstein, 125 Summer Street, Boston, Massachusetts, on February 28, 2005, commencing at 10:04 a.m.

Job No.: 2651

ORIGINAL

Page 2

1 APPEARANCES:

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By: Lee Carl Bromberg, Esq.

10 And: Lisa Fleming, Esq.

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WITNESS: JORDAN R. COHEN PAGE NO.

3

EXAMINATION:

4

By Mr. Bromberg 4

5

6 Certificate of the Reporter 291

7

8 E X H I B I T S

9 NO. DESCRIPTION PAGE NO.

10 (Exhibits attached to transcript.)

11 1 - Carlin E-mail (CV) 160

12 2 - Agreement 2/3/99 162

13 3 - Non-Competition Agreement 2/16/99 163

14 4 - E-mail 6/8/00 167

15 5 - Press Release 4/3/01 168

16 6 - EE Times Article 11/27/00 169

17 7 - U.S. Pat. Ap. 2004/0049388 A1 195

18 8 - PowerPoint 7/6/01 206

19 9 - VOX PowerPoint '02 231

20 10- Temporary Injunction 237

21 11- 9/6/01 Press Release 258

22 12- U.S. Pat. Ap. 2004/0073428 A1 264

23 13- U.S. Pat. Ap. 2004/0260547 A1 267

24 14- 12/29/04 Letter/Chart 270

1 P R O C E E D I N G S

2 (The United States passport number as
3 identification of the deponent was noted
4 for the record.)

5 WHEREUPON,

6 JORDAN R. COHEN,
7 having duly sworn or affirmed that his
8 testimony would be the truth, the whole truth,
9 and nothing but the truth, testified as
10 follows:

11 DIRECT EXAMINATION

12 BY MR. BROMBERG:

13 Q. Good morning, Mr. Cohen.

14 A. Good morning.

15 Q. Am I correct that you've had your
16 deposition taken only once before?

17 A. Yes.

18 Q. And it was in this case?

19 A. Yes.

20 Q. Okay. Would you give me your
21 educational background, sir?

22 A. I have a bachelor's degree from the
23 University of Massachusetts in electrical
24 engineering. I have my master's degree from

1 A. Yes.

2 Q. What were they?

3 A. There was a microwave oven was the
4 demonstration.

5 Q. Once the decision was made, Dr. Cohen,
6 to target the mobile handset market, what steps
7 were taken by VST to enter that market?

8 MR. POPEO: Object to the form of the
9 question.

10 THE DEPONENT: I'm not sure I know.

11 That wasn't -- that wasn't my purview
12 particularly.

13 BY MR. BROMBERG:

14 Q. Did you have any involvement at all in
15 dealing with potential customers --

16 A. No.

17 Q. -- in that market?

18 A. No.

19 Q. Is that still true today?

20 A. Yes.

21 Q. Did you have involvement, sir, in the
22 -- well, let me back up and ask you a different
23 question. While that activity was going on,
24 what were you doing?

1 MR. POPEO: Objection. But you can
2 answer.

3 THE DEPONENT: I was looking at
4 technology to see what was going on in the
5 world. I was identifying interesting
6 people. I was looking at new markets. I
7 think that's -- that's a fair summary of
8 what I was doing.

9 BY MR. BROMBERG:

10 Q. Are those activities, Dr. Cohen,
11 congruent with your job responsibilities as
12 chief technology officer?

13 MR. POPEO: Objection to form. You can
14 answer the question.

15 THE DEPONENT: It's a subset.

16 BY MR. BROMBERG:

17 Q. What else do you do as chief technology
18 officer?

19 A. I encourage people to write patent
20 disclosures; I discuss with the government our
21 mutual interests; that's probably a pretty good
22 set.

23 Q. Does VST have government sponsored
24 research projects?

1 Q. Does it meet from time to time?

2 A. Yes.

3 Q. What does it do when it meets?

4 A. We discuss ideas for inventions.

5 Q. Does VST have a policy for written
6 invention disclosures?

7 MR. POPEO: Object to the form.

8 THE DEPONENT: We encourage them.

9 BY MR. BROMBERG:

10 Q. Is there a form for doing that?

11 A. No.

12 Q. Is there any written policy that
13 company employees can refer to to determine
14 when or if they ought to write up an invention
15 disclosure and what to do with it once they've
16 written it up?

17 MR. POPEO: Objection to form.

18 THE DEPONENT: No. There's general
19 guidance in the employee's employment
20 agreement, that's all.

21 BY MR. BROMBERG:

22 Q. Okay. You mentioned that you look at
23 technology in the world and you identify new
24 markets and you identify interesting people,

1 correct?

2 A. Yes.

3 Q. Is that all from a technical
4 perspective?

5 MR. POPEO: Object to the form.

6 THE DEPONENT: At that level, technical
7 and business merge. So I would say it's
8 from a broader perspective than that.

9 BY MR. BROMBERG:

10 Q. When you first came to Voice Signal
11 Technologies, did you play any role in
12 recruiting new people to come to work at Voice
13 Signal?

14 MR. POPEO: Object to the form of the
15 question.

16 THE DEPONENT: My role was to identify
17 people.

18 BY MR. BROMBERG:

19 Q. Okay. Did you identify people from
20 Dragon?

21 MR. POPEO: Object to the form of the
22 question.

23 THE DEPONENT: I think the Dragon
24 people were well-known to VST.

Page 83

1 BY MR. BROMBERG:

2 Q. When you say your role was to identify
3 people, what do you mean by identify people,
4 Dr. Cohen?

5 MR. POPEO: In general or with respect
6 to the last question?

7 MR. BROMBERG: In respect to this
8 activity of identifying interesting people.

9 THE DEPONENT: I would -- I talk to
10 many people in the industry. I always had
11 my eye out for interesting graduate
12 students and interesting people who are
13 leaving jobs. And I would give that kind
14 of information basically to Dan Roth. And
15 he would pursue them if he was interested.

16 BY MR. BROMBERG:

17 Q. Did you tell Dan Roth that Larry
18 Gillick was an interesting person to pursue?

19 MR. POPEO: Object to the form of the
20 question.

21 THE DEPONENT: At some point, I did.

22 BY MR. BROMBERG:

23 Q. Did you tell Dan Roth that Robert Roth
24 was a good person to pursue?

1 MR. POPEO: Object to the form of the
2 question, and particularly the manner in
3 which it's been asked. But if it's
4 susceptible to a meaningful answer as
5 asked, you can answer.

6 THE DEPONENT: I don't know that I can
7 answer. I'm sure at some point I answered
8 a query from Dan Roth about Robert Roth.

9 BY MR. BROMBERG:

10 Q. Okay. And so you recall receiving a
11 query from Dan Roth about Robert Roth?

12 A. I'm sure that that happened.

13 Q. What was your response to that query?

14 A. Robert Roth is a very smart guy and I'm
15 sure I supported Dan in engaging him.

16 Q. By engaging, you mean bringing him to
17 work at VST?

18 MR. POPEO: Objection.

19 BY MR. BROMBERG:

20 Q. Or just contacting him?

21 A. I mean discussing things with him.

22 Q. Okay. By discussing things with him,
23 do you mean your encouraging Dan Roth to talk
24 to Bob Roth about the possibility of coming to

1 work at VST?

2 A. That's not what I said.

3 Q. Well, what did you mean to say?

4 A. I said I'm sure I answered queries from
5 Dan Roth about Bob.

6 Q. And do you recall encouraging Dan Roth
7 to speak to Bob Roth?

8 MR. POPEO: Object to the form of the
9 question.

10 THE DEPONENT: I'm sure that was my
11 response.

12 BY MR. BROMBERG:

13 Q. Okay. And what would be the purpose
14 for Dan Roth speaking to Bob Roth?

15 MR. POPEO: What did Dan Roth tell him?

16 BY MR. BROMBERG:

17 Q. Well, your understanding.

18 A. Dan was always looking for interesting
19 people for Voice Signal as it grew.

20 Q. Okay. So Voice Signal was a growing
21 company, correct?

22 A. Yes.

23 Q. And it needed talented speech
24 recognition people, among other things?

1 A. Sure.

2 Q. And Bob Roth fit that profile?

3 A. Yes.

4 Q. And that's what you told Dan Roth when
5 he asked you about Bob Roth?

6 MR. POPEO: Object to the form of the
7 question; mischaracterizes.

8 THE DEPONENT: I'm sure I would have
9 told him that Bob Roth is a very smart guy.

10 BY MR. BROMBERG:

11 Q. And that you supported Dan Roth
12 engaging Bob Roth?

13 MR. POPEO: Same objection. If you
14 remember the content of the conversation,
15 you can testify about it. You needn't
16 adopt what he said, if you don't remember.

17 THE DEPONENT: I don't remember the
18 details of that conversation.

19 BY MR. BROMBERG:

20 Q. Okay. Do you remember in general?

21 A. In general, when we were discussing
22 bright people, I encouraged Dan to think about
23 them as potential employees.

24 Q. That would include Bob Roth?

1 A. That would include Bob Roth.

2 Q. That would include Larry Gillick?

3 A. I'm sure that's true.

4 Q. How about Jonathan Yamron?

5 A. He falls into the category of bright
6 people.

7 Q. So your previous answers would apply in
8 his case as well?

9 A. Yes.

10 Q. And in the -- how about Manfred
11 Grabherr?

12 A. What's the question now?

13 Q. Did you encourage Dan Roth to speak to
14 Manfred Grabherr about employment at VST?

15 MR. POPEO: Object to the form of the
16 question. You may answer the question.

17 THE DEPONENT: No.

18 BY MR. BROMBERG:

19 Q. Did you know Manfred Grabherr before he
20 came to VST?

21 A. I did not.

22 Q. Did you come to know him once you got
23 there?

24 A. I did.

Page 290

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C E R T I F I C A T E

2

I, Jordan Cohen, do hereby certify that

3 I

4 have read the foregoing transcript of my
5 testimony,

6 given on February 28, 2005, and I further
7 certify that said transcript is a true and
8 accurate record of said testimony (with the
9 exception of the corrections listed below):

10 Page Line Correction

11

12

13

14

15

16 Dated at _____, this _____
17 day of _____, 2005.

18

19

Jordan Cohen

20

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY

21

22

23

24 duw

Page 291

1

CERTIFICATE

2

COMMONWEALTH OF MASSACHUSETTS

3 SUFFOLK, SS

4 I, Dana Ulrich Welch, Registered
5 Professional Reporter and Notary Public in and
6 for the Commonwealth of Massachusetts, do
7 hereby certify:

8 That JORDAN COHEN, the witness whose
9 deposition is hereinbefore set forth, was duly
10 sworn by me and that such deposition is a true
11 record of my stenotype notes taken in the
12 foregoing matter, to the best of my knowledge,
13 skill and ability.

14 IN WITNESS WHEREOF, I have hereunto set
15 my hand this 3rd day of March, 2005.

16

17

DANA ULRICH WELCH

18

Dana Welch, CSR, RPR

19

Registered Professional Reporter

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22

23

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